



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
Securities and Exchange Commission,

Plaintiff(s)

08-cv-02979 (LAK)

V.

Biovail Corporation, et al.,

Defendant(s).

----- X

Consent Scheduling Order

Upon consent of the parties, it is hereby

ORDERED as follows:

- 1.a. The parties shall make required Rule 26(a)(1) disclosures on or before 6/13/08.
- 1.b. No additional parties may be joined after 9/26/08.
2. No amendments to the pleadings will be permitted after 11/30/08.
3. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before 5/15/09;
 - (b) rebuttal expert witnesses on or before 6/15/09.
- 4.a. All fact discovery shall be completed on or before 4/15/09.
- 4.b. All discovery, including any depositions of experts, shall be completed on or before 7/15/09.
- 4.c. Dispositive motions, if any, shall be filed on or before 9/15/09.
5. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before ~~11/15/08~~ 9/15/09.
6. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on time.
7. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.
8. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions in limine.
9. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

Dated: New York, New York
May 9, 2008

Lewis A. Kaplan
United States District Judge

CONSENTED TO: [signatures of all counsel]
[attached]